

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and  
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-PBS

**MOTION OF EBAY INC. FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT OF ITS  
PARTIAL MOTION TO DISMISS**

Defendant eBay Inc. (“eBay”) hereby files this motion to permit eBay, pursuant to Local Rule 7.1(b)(3), to file a reply brief, not to exceed 10 pages, by July 12, 2023.

As grounds for this motion, eBay states as follows:

1. On January 4, 2023, the Court allowed Plaintiffs to file an amended complaint on or before February 15, 2023. Dkt. No. 167. On Plaintiffs' motion, the Court extended this deadline to March 1, 2023. Dkt. Nos. 172, 173. Plaintiffs filed their Amended Complaint on that date. Dkt. No. 176.

2. Plaintiffs' Amended Complaint runs over 122 pages. It alleges fourteen different causes of action against eBay, six of which were not alleged in the original complaint. It also includes additional factual allegations and an additional former eBay employee as a defendant.

3. On March 8, 2023, eBay filed a motion to extend the deadline to respond to Plaintiffs' Amended Complaint, exceed page limits, and file a reply brief pursuant to a uniform briefing schedule governing defendants. Dkt. No. 177. As relevant here, eBay's motion requested permission to file a reply brief, not to exceed 15 pages, within 30 days after Plaintiffs

filed their opposition to eBay's motion to dismiss. *Id.* The Court granted the motion to extend the deadline, denied the motion to exceed page limits, and did not address the motion to file a reply brief. Dkt. No. 178.

4. eBay filed a partial motion to dismiss the Amended Complaint on April 21, 2023. Dkt. No. 207. eBay's motion seeks to dismiss eight counts in the Amended Complaint. *Id.* Defendants Baugh, Cooke, Gilbert, Jones, Krystek, Popp, Progressive F.O.R.C.E. Concepts, LLC, Stockwell, Wenig, and Wymer also filed motions to dismiss. Dkt. Nos. 193, 196, 198, 203, 205, 209, 210, 213, 215, 217.

5. On May 2, 2023, Plaintiffs filed a motion to extend time and to file a consolidated opposition to the motions to dismiss, which the Court granted the same day. Dkt. Nos. 219, 220. Plaintiffs filed their consolidated opposition on June 12, 2023. Dkt. No. 221. Plaintiffs' opposition runs over 93 pages.

6. eBay believes that a reply brief will assist the Court in deciding eBay's partial motion to dismiss in light of the number of issues addressed in the partial motion to dismiss and the Plaintiffs' opposition. Accordingly, eBay seeks leave to file a reply brief of not more than 10 pages by July 12, 2023.

7. Undersigned counsel has conferred with counsel for Plaintiffs as to the substance of this motion, and Plaintiffs have stated that they will take no position on this motion if eBay agrees to take no position should Plaintiffs seek leave to file a sur-reply. eBay, however, does not agree to take no position on a sur-reply.

WHEREFORE, eBay requests that the Court grant this motion and permit eBay to file a reply brief of not more than 10 pages by July 12, 2023.

Dated: June 15, 2023

Respectfully submitted,

/s/ Jack W. Pirozzolo

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*Counsel for eBay Inc.*

**CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)**

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), I have conferred with counsel for Plaintiffs.

Dated: June 15, 2023

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo

**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2023, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: June 15, 2023

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo